

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-15043 - APPLICANT: EVE MAZZARELLA - OWNER:
408 S SEVENTH ST, LLC**

**** CONDITIONS ****

The Planning Commission (3-3 vote on a motion for approval) ended in a tie vote which is tantamount to denial and staff recommends DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15045), Variance (VAR-15048), Variance (VAR-15049), and Variance (VAR-15596) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations date stamped 08/02/06, except as amended by conditions herein.
4. A Reversionary Map or other acceptable map for this site shall be recorded prior to issuance of a building or grading permit.
5. A Waiver from Title 19.12.040.A is hereby approved, to allow a minimum zero-foot landscape buffer where an eight-foot buffer is required along the west property line and a discontinuous five-foot buffer where an eight-foot buffer is required along the south property line.
6. An Exception from Title 19.10.010.J.11 is hereby approved, to allow two trees in the parking area where one tree per six parking spaces (or 6 trees) is required.
7. An Exception from Title 19.12.040.B is hereby approved to allow four trees where five are required in the buffer area along Chef Andre Rochat Place.
8. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to show a Multi-Use Transportation Trail in accordance with the Transportation Trails Element of the Las Vegas 2020 Master Plan along the west side of Seventh Street.
9. The trash enclosure shall have a roof or trellis structure in conformance with Title 19 requirements.

10. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
11. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
12. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. All utility boxes exceeding 27 cubic feet shall meet the standards of LVMC Title 19.12.040.
15. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Landscape and maintain all unimproved rights-of-way, if any, on Seventh Street and Chef Andre Rochat Place adjacent to this site.

19. Submit an Encroachment Agreement for all landscaping, if any, located in the Seventh Street and Chef Andre Rochat Place public right-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON 15045 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed 23,613 square-foot office building; Waiver of perimeter landscape buffer width requirements; and a Waiver of the street tree planting requirements on 0.64 acres at the southwest corner of Seventh Street and Chef Andre Rochat Place.

EXECUTIVE SUMMARY

The proposed office development, while providing commercial uses similar to those in the area, is not compatible with the scale and style of development in the Las Vegas High School Historic District. The proposal to move the residential structure at 408 South Seventh Street on top of the proposed office building would separate it from its historical context, and thus is not considered “historic preservation.” Several variances and waivers are required, based on the large footprint and parking configuration. In addition, a multi-use transportation trail not shown on the submitted plans is required on Seventh Street.

BACKGROUND INFORMATION

A) Related Actions

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|----------|---|
| 08/17/81 | The Board of Zoning Adjustment voted to Strike a request for a Variance (V-0048-81) to allow parking area in conjunction with a professional office building and voted to approve a Variance (V-0054-81) to allow a parking area in an R-3 (Medium Density Residential) Zone at 416 South 7th Street. |
| 05/18/83 | The Board of City Commissioners voted to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 (Medium Density Residential) District, at 408 South 7th Street. The Board of Zoning Adjustment recommended approval. |
| 08/25/83 | The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) that reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street. |

- 11/15/84 The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83. The previous Variance had expired, since it had not been exercised by that date.
- 06/04/03 The City Council approved a Rezoning (ZON-2124) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-2447) to permit 15 parking spaces where 26 spaces are the minimum required and a Site Development Plan Review (SDR-2125) and Waivers of the perimeter landscape requirement, parking standards, and loading zone requirement for a 7,804 square foot office conversion and addition on 0.32 acres on property located at 410 and 416 South 7th Street. The Planning Commission and staff recommended approval. The Resolution of Intent on these properties expired 06/04/05.
- 12/15/04 The City Council approved a Rezoning (ZON-5385) to P-R (Professional Office and Parking), a Variance (VAR-5388) to permit 5 parking spaces where 9 spaces are required, a Variance (VAR-5389) to reduce the lot width to 50 feet where 60 feet is the minimum width required for a P-R (Professional Office and Parking) zoned property and a Site Development Plan Review (SDR-5387) and a waiver of the perimeter landscaping requirements for a proposed 2,342 square-foot house conversion to an office at 408 South 7th Street. The Planning Commission and staff recommended approval.
- 06/01/05 The City Council approved a Review of Condition Number 16 of an approved Site Development Plan Review (SDR-5387) to eliminate the requirement for a joint access agreement with the abutting property for an approved 2,432 square foot conversion of a house to an office on 0.18 acres at 408 South 7th Street. Staff recommended approval.
- 08/24/06 The Planning Commission recommended approval of companion item ZON-15045 and ended in a tie vote which is tantamount to denial on companion items VAR-15048, VAR-15049 and VAR-15596 concurrently with this application.
- 08/24/06 The Planning Commission (3-3 vote on a motion for approval) ended in a tie vote which is tantamount to denial on (PC Agenda Item #48/ss).

B) Pre-Application Meeting

- 06/23/06 Application requirements for a Rezoning, parking variance and site review were discussed. Waivers are needed for landscape buffering on all sides except 7th Street. A reversionary or new subdivision map would be required as a condition of approval of the site. Issues included the possibility of no height restrictions if rezoned to C-1 and the proposal to move the existing house at 408 South 7th Street on top of the proposed two story structure. The applicant claimed that this

constituted “historic preservation” and had the consent of the building owner. Staff recommended that changes be made to the angled parking configuration to reduce the chance that vehicles could back out onto the public right-of-way. It was noted that this project was located in the Las Vegas High School Neighborhood District, and that the two buildings on the site were contributing to the historic character of the neighborhood.

07/05/06 In a follow-up meeting, it was noted that a variance from the maximum lot coverage standard would be required and that the resolution of intent on two of the parcels had expired. Handicapped parking needs to be provided in the covered parking area as well as in the uncovered parking lot. Building code issues related to the relocation of the existing office on top of the proposed building would need to be discussed further in a meeting with the Building and Safety Department.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.64

B) Existing Land Use

Subject Property: Office, Single-Family Residential
North: Multi-Family Residential (Apartments)
South: Parking lot
East: Las Vegas Academy Playing Fields and Tennis Courts
West: Offices (condos)
Parking, Restaurant

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: PF (Public Facilities)
West: C (Commercial)

D) Existing Zoning

Subject Property: R-3 (Medium Density Residential)
R-3 (Medium Density Residential under Resolution of Intent to P-R
(Professional Office and Parking)
North: R-5 (Apartment)
South: C-1 (Limited Commercial)
East: C-V (Civic)
West: C-1 (Limited Commercial)
P-R (Professional Office and Parking)
R-4 (High Density Residential)

E) General Plan Compliance

The subject site is designated C (Commercial) on the Downtown Redevelopment Area Land Use Map. Office, neighborhood service and general commercial uses are allowed in this area. The proposed rezoning to C-1 (Limited Commercial) would conform to the C (Commercial) classification, if approved.

PROJECT DESCRIPTION

The project features an office building consisting of 20,488 square feet on the ground and second floors and a 2,530 square-foot “penthouse” that will be relocated from 408 South Seventh Street to the top of the proposed building, thus preserving its exterior features. The rear of the first floor is devoted to covered parking, with access to Chef Andre Rochat Place. The second floor contains a majority of the office space. An uncovered parking lot with angled spaces is located to the south of the building and takes access from Seventh Street.

Seventh Street and Chef Andre Rochat Place currently contain detached five-foot sidewalks with some plant material within the adjacent planter areas. The city requires a multi-use-transportation trail to be provided along Seventh Street that includes a minimum 10-foot concrete path. Street trees are also required along the east side of the trail along Seventh Street.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required C-1	Provided	Compliance
Min. Lot Size	N/A	0.64 acres	N/A
Min. Lot Width	100 Feet	140 Feet	Y
Min. Setbacks			
• Front	20 Feet	10 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	6 Feet	N
• Rear	20 Feet	56 Feet	Y
Max. Lot Coverage	50 %	55 %	N
F.A.R.	N/A	1.15	N/A
Max. Building Height	N/A	42 Feet	N/A
Trash Enclosure	Gated, walled, roofed, 50 feet from residential	Gated, walled, 59 feet from residential	N
Loading Zone	Not required	Not provided	N/A
Mech. Equipment	Screened	Screened	Y

Several commercial development standards are not met by the proposal. The building encroaches into the front and corner side setbacks, and the trash enclosure does not have a roof. The development also exceeds the lot coverage maximum. A condition of approval will address the trash enclosure, while Variances have been submitted for relief from the setback (VAR-15596) and lot coverage (VAR-15048) requirements.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, Residential Adjacency Standards do not apply to the proposed development.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	23,018 SF	1 space/300 SF GFA	73	4	54	4
TOTAL			77		58	

The applicant proposes to provide 58 parking spaces where Title 19 requires a minimum of 77 spaces. Twenty-four of the spaces are covered; five spaces (or 9% of the total provided) are compact. A Variance is required to allow the reduced number of spaces. The deviation is 25 percent from the requirement.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	6 Trees	2 Trees
Buffer:			
• Min. Trees (North PL)	1 – 24” Box Tree/20 Linear Feet	5 Trees	4 Trees
• Min. Trees (all other perimeter buffers)	1 – 24” Box Tree/30 Linear Feet	15 Trees	25 Trees
• Min. Zone Width (ROW)	15 Feet		16 Feet
• Min. Zone Width (interior PLs)	8 Feet		0 Feet
• Wall height	No walls required		6 Feet (existing)

The uncovered parking areas provide two trees where six are required. An exception to Title 19.10 is required. Of the 25 trees provided along the south, west and east property lines, six are palm trees, which are not shade trees. Additionally, the perimeter buffer width requirements cannot be met, due to the configuration of the building, alley parking and side parking areas. A Waiver is required of the buffer standards, and exceptions are required to allow fewer trees in the parking and buffer areas.

Street trees are required in the rights-of-way along Seventh Street and Chef Andre Rochat Place and have been provided in conformance to Title 19.12.040.G.

A5) Sign Standards

Signage was not indicated on either the proposed site plan or the elevations. All freestanding and wall signage will be subject to the standards contained in Title 19.14 for the C-1 (Limited Commercial) zoning district, if that request is approved. One freestanding sign per frontage is allowed.

B) General Analysis and Discussion

- Zoning

Three of the four current parcels comprising the site are zoned R-3 (Medium Density Residential). The remaining parcel was rezoned to P-R (Professional Office and Parking) in 2004; the office use on this parcel has been established. The applicant has

submitted a request to rezone the entire property to C-1 (Limited Commercial), which will allow the office use without a height restriction that would otherwise cripple the project as proposed. Should the Rezoning action be approved, other commercial uses such as retail or restaurants could also be allowed. A more restrictive commercial district such as P-R (Professional Office and Parking) is recommended; however, height would be limited to two stories and 35 feet.

- Site Plan

The size of the building footprint raises some code-related issues. The front of the building is situated on Seventh Street, although it is the corner side for setback purposes. The covered entry on this side encroaches nine feet into the required 15-foot setback. To accommodate parking on the south side of the building, the setback along Chef Andre Rochat Place must be reduced by 10 feet. In addition, the building exceeds the maximum lot coverage ratio. Variances have been submitted for these deficiencies, as well as for a reduction in the amount of required on-site parking.

A 20-foot wide Multi-Use Transportation Trail is required along the west side of Seventh Street adjacent to this site. The site plan date stamped 08/02/06 does not accurately depict this trail, which contains a 10-foot wide trail path and minimum five-foot landscape strips on both sides of the path. The trail requirements can be met by extending the existing five-foot sidewalk five feet westward and designing the appropriate transition back to the existing sidewalk at the driveway to the side parking area.

- Historical Significance

The structures at 400 and 408 South Seventh Street are two historic homes that are located on two of the four parcels included in this proposal. Both of these homes are considered to be “contributing elements,” meaning that they retain their architectural integrity and context within the historic neighborhood.

The Planning Department and the Historic Preservation Officer (HPO) strongly encourage sensitive and contextual design within the neighborhood to preserve its historic character and integrity, with the priority being to preserve the original homes in their original state. When this is proven to be infeasible, the HPO recommends that the applicant maintain as much of the existing historic building façade as possible with any necessary additions built onto the rear of the existing structure, thereby keeping the one-story streetscape intact. The proposal neither preserves these two homes in their original state nor limits additions to the rear of the existing structures.

The building is incompatible with the scale of development allowed for the surrounding area and does not retain the appearance of residential structures in the area. The existing residential scale is single-story, whereas a three-story building is

proposed. The massing of the proposed building could be reduced to conform to a more appropriate scale. Additional details about the historical significance of these properties and the recommendations of the HPO are contained within the attached interoffice memorandum.

- **Waivers**

A Waiver of Title 19.12.040.A is requested to allow a minimum zero-foot landscape buffer where an eight-foot buffer is required along the west property line and a discontinuous five-foot buffer where an eight-foot buffer is required along the south property line. If the Site Development Plan Review is approved, staff recommends approval of these waivers to accommodate the uncovered parking areas along the south and west sides of the property.

An exception to Title 19.10.010.J.11 is requested to allow two trees in the parking area where one tree per six parking spaces (or 6 trees) is required. The goal of parking lot trees is to break up large areas of paving, provide shade and cooling, and increase aesthetic appeal of the development. In this case, most of the uncovered parking spaces are angled or located on the adjacent alley, where trees are difficult to plant. Requiring additional planters would further impair parking. The recommendation is for approval of the exception. In addition, approval is recommended for an exception to Title 19.12.040.B to allow four trees where five are required in the buffer area along Chef Andre Rochat Place.

- **Landscape Plan**

Several Title 19 standards cannot be met as a result of the size of the building and the configuration of parking areas. Screening pine trees along the south property line would be integrated into five-foot planters doubling as parking lot trees. Mexican Fan Palm trees located along Seventh Street are acceptable in this location; however, they do not count as shade trees. Street trees within rights-of-way consist of 24-inch box Bradford Pear. Parking with access from the alley to the west eliminates the possibility of providing landscaping along this edge of the property.

- **Elevation**

The elevations depict a design in the Italian style with arches, columns and tall windows. The front façade features a stone veneer base and entry, with stucco above and a red clay tile roof. Elements from the east elevation will continue onto adjoining sides for consistency. Wrought iron windows will be employed for the parking area in lieu of glazing for ventilation and protection. The building generally meets commercial development standards pertaining to design; however, the scale of the building is not compatible with the surrounding neighborhood.

The Italianate design of the building does not reference any existing historic style of the Las Vegas High School neighborhood, nor was this a popular design within any residential or commercial district in Las Vegas during the period in which the original structures were constructed.

- Floor Plan

Two leasable office spaces and parking are planned for the first floor, while the second floor consists entirely of office space. The third floor consists of the existing office at 408 South Seventh Street and area for an elevator shaft and stairwell to the new portions of the building.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. “The proposed development is compatible with adjacent development and development in the area;”

The proposed office development, while providing commercial uses similar to those in the area, is not compatible with the scale and style of development in the Las Vegas High School Historic District.

2. “The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”

The proposed office development would provide a use in conformance with the city’s Master Plan. However, it requires three variances from commercial development standards, several waivers of landscaping requirements, and does not meet the intent of preservation of historic structures in the area. In addition, a multi-use transportation trail should be integrated into the streetscape along Seventh Street.

3. “Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”

Access to the site is provided along Chef Andre Rochat Place, a 70-foot right-of-way, and Seventh Street, identified as an 80-foot Secondary Collector on the Master Plan of Streets and Highways. These two access points should not negatively affect traffic in the neighborhood.

4. “Building and landscape materials are appropriate for the areas and for the City;”

The proposed building and landscape materials are appropriate for the area and are consistent with the City’s requirements.

5. “Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”

The Italianate design and three-story height shown on the building elevations are out of character with the residential designs prevalent in the area.

6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”

The development will be subject to inspections, and appropriate measures will be taken to protect public health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission considered a condition that the “Entire Squired home shall be maintained and fully incorporated on the building roof.”

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 129 by Planning Department

APPROVALS 0

PROTESTS 0